

REMARKS/ARGUMENTS

The Examiner is thanked for the final Office Action dated October 15, 2007. The status of the application is as follows:

- Claims 1-17 are currently pending and are presently under consideration;
- Claims 1-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Norman, *et al.* (US 5,702,305);
- Claims 11, 12, 14 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Norman et al. in view of Golad (US 6,231,441); and
- Claims 13, 15, and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Norman et al. in view of Lam (US 6,190,174 B1).

The rejections are discussed below.

The Rejection of Claims 1-10 Under 35 U.S.C. §102(b)

Claims 1-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Norman et al. This rejection should be withdrawn because Norman et al. does not teach each and every aspect as recited in the subject claims and, thus, does not anticipate claims 1-10.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). (See MPEP §2131).

Independent **claim 1** is directed towards a method for playing a game by way of a game element. The method includes, *inter alia*, determining, by the game board, the first location of the game element, and determining, by the game board, a first information item representing game content, wherein said first information item is dependent on said location and a first game being played. The Office asserts that Norman et al. teaches

each and every one of the above claim aspects. However, Norman et al. do not teach or suggest these claim aspects.

The Office asserts Norman et al. teaches *determining, by the game board, the first location of the game element* at column 3, lines 17-18, column 2, lines 1-55, column 3, lines 7-20, and column 6, lines 30-37. With respect to column 3, lines 17-18, the Office asserts that in this section Norman et al. discloses that as a player moves, game data changes. The Office concludes from this disclosure that the position of the game element is determined in order for the game data to change due to position change. It is respectfully submitted that the Office has taken this section of Norman et al. out of context.

After stating “[a]s the player moves, game data changes,” Norman et al. notes that such game changes may be made known to all the game players or only to the player moving on their personal display unit. Norman et al. then provides an example of what he meant. In the example, Norman et al. states, “if the player is ‘building’ an object, what they build, such as a railroad, bridge, building, hotel, etc., depending on the game, can be visible to the other players, but private information, like how much money they have or what they have learned, remains private, and would only be displayed on that player’s personal display unit.” (See column 3, lines 21-26).

Hence, Norman et al. clearly does not mean that a change or move in the location of the personal display unit results in a change in game data. Instead, Norman et al. is simply referring to a player “taking his turn.”

With respect to column 2, lines 1-55, the Office asserts that in this section Norman et al. discloses that each personal display unit is capable of allowing the individual player to monitor the individual’s personal game status as well as a means for obtaining additional data, help, clues, or in planning future tactical moves with regard to the game being played. The Office concludes from this disclosure that in order for the display unit to help planning future tactical moves, the location of the personal display unit “must” be determined. (See Office Action, page 7, paragraph 8). The Office is mistaken.

For example, Norman et al., at column 3, lines 7-20, discloses that the game can be a card game, which is displayed in a common group view area/display and/or on individual personal display units. Figure 11 of Norman et al. shows the display of the card game (in which a player can draw cards, hold, or fold) on one of the personal display unit. For the illustrated card game, the location of a personal display unit is independent of a player's future tactical move, e.g., draw, hold or fold. Thus, the location of a personal display unit does not have to be determined in order for a player to plan future tactical moves as purported by the Office.

With respect to column 3, lines 7-20, the Office asserts that in this section Norman et al. discloses that a common view area shows the area surrounding a player and can be seen as a direct view or a virtual image. The Office concludes from this disclosure that the location of the game element is determined if the area surrounding the player can be viewed. Applicant respectfully submits that the Office has misconstrued this section Norman et al.

More particularly, in the referenced section Norman et al. discloses that “[a]t the start of the game, the common group view area, or display, contains ‘playing field’ type information to define that particular game. This can be a deck of cards, face down, or can be a portion of a simulated world, in which the player can move. For example, the common view area shows the player whose turn it is, and the area surrounding that player. This image can be seen through a centrally located direct view image by all players of the game or, alternatively, on each player's personal display unit as a direct view or virtual image.”

Thus, Norman et al. teaches that the common and/or personal displays may show a *simulated* world, for example, showing the player whose turn it is and an area surrounding the player, as a direct view or virtual image. Showing a simulated world does not require determining the location of the player by a game board as recited in the subject claim.

With respect to column 6, lines 30-37, the Office asserts that Norman et al. discloses a plurality of personal display units in communication with a control unit embedded in a centrally located game board. The Office states that the control unit

controls the personal display units and determines location of the game elements as previously noted in the Office Action. However, as discussed above the sections referenced by the Office do not teach or suggest determination of a personal display unit.

The Office next asserts that Norman et al. teaches *determining, by the game board, a first information item representing game content, wherein said first information item is dependent on said location and a first game being played* at column 2, lines 1-55. More particularly, the Office asserts that Norman et al. discloses that each personal display unit is capable of allowing the individual player to monitor the individual's personal game status as well as a means for obtaining additional data, help, clues, or in planning future tactical moves with regard to the game being played.

Again, the Office mistakenly concludes from the referenced portion of the subject section of Norman et al. that in order for the display unit to help planning future tactical moves, the location of the personal display unit "must" be determined. As discussed *supra*, displaying cards from a card game on a personal display unit to allow the player to determine whether his/her next move should be to draw, hold or fold does not require determining the location of the personal display unit as purported by the Office.

In view of the foregoing, it is readily apparent that Norman et al. does not teach each and every aspect of claim 1 and, thus, does not anticipate claim 1. Accordingly, this rejection of claim 1 should be withdrawn.

Claim 2 depends from claim 1, and recites transmitting, by at least one transmitter located on the game element, at least one signal identifying said game element, receiving, by at least one sensor located on the game board, at least one identifying signal, and determining, by the game board, the first location based on at least one identifying signal. **Claim 9**, which depends from independent claim 8, recites similar aspects. To support the rejection of this claim, the Office cites column 2, lines 56-60. More particularly, the Office states that the transmitter located in the game element is the personal display unit and the location determined is of the direct view or virtual image shown at the personal display unit. Then the Office states that the game element is a combination of the personal display unit and the virtual image, which is placed on the game board.

First, in contrast to the Office's assertion, column 2, lines 56-60, of Norman et al. discloses that "there exists a common group view area or display, either viewed as a centrally located display, utilizing a direct view image, visible to all players for communicating game data and information on a general level, or through each personal display unit as a direct view or virtual image." Accordingly, the Office's assertion is unfounded since the Office's assertion is not supported by the section of Norman et al. referenced by the Office. Next, and as discussed above, Norman et al does not teach or suggest determining the location of the game element. Furthermore, the Office's assertion that the game element is a combination of the personal display unit and the virtual image, which is placed on the game board is nonsensical. Norman et al. teaches displaying the virtual image on a display 68, which is part of a personal display unit. (See Fig. 6).

In light of the above, the rejection of claims 2 and 9 should be withdrawn.

Independent **claim 7** recites, *inter alia*, means for receiving and means for presenting a first information item representing game content, wherein said first information item is dependent on a first location of the game element on a playing field of a game board and a first game being played, and wherein said first information is received from the game board. **Claims 8 and 10** recite similar aspects. The Office cites to column 3, lines 1-20, of Norman et al. to teach these claim aspects.

However, the referenced section of Norman et al. does not teach or suggest receiving and presenting first information, representing game content, that is dependent on a first location of the game element on a playing field of a game board and a first game being played, where the first information is received from the game board. Rather, this section of Norman et al. discloses that "[a]t the start of the game, the common group view area, or display, contains 'playing field' type information to define that particular game. This can be a deck of cards, face down, or can be a portion of a simulated world, in which the player can move." This does not teach or suggest the subject claim aspects. As such, the rejection of claims 7, 8, and 10 should be withdrawn.

Claims 3-6 and 11-17 are believed to be allowable over the cited reference at least by virtue of their dependencies from their respective base claims.

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CONCLUSION

In view of the foregoing, it is submitted that the claims herein distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,
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